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REMARKS

Claims 1 - 20 are currently pending in the application. Claims 1, 2, 8, 11, 14, and 15 have been amended to improve form for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each. No new matter has been introduced into the application.

The drawings have been objected to by the Examiner because of poor line quality and unacceptable margins. In response, formal drawings with revised margins and of consistent line quality are being concurrently filed in a separate paper. No substantive changes are made. Acceptance of the formal drawings is respectfully requested.

The Examiner has also objected to the drawings stating that Figures 1, 8, 9 and 10 should be labeled as PRIOR ART. This objection and requirement are respectfully traversed. The Examiner gives no basis, such as assertion of an admission, for the requirement to label these figures as PRIOR ART. Furthermore, Figure 1, as identified in the specification, including the Brief Description of the Drawings, is a high level conceptual drawing of the present invention. The elements of Figure 1 show the object oriented data base 11 and its interaction with the collaborative layer 13 and the enterprise layer 15. The individual enterprise members are also shown as elements 17, 18, and 19. The tools 12 necessary to exchange information between the object oriented data base 11 and the enterprise members 17, 18 and 19 are shown as elements 12 within the collaborative layer 13. As this is the overview of the subject invention, calling this figure "PRIOR ART" is incorrect. As for Figure 8, as similarly identified in the specification, is the high level conceptual drawing of the present invention. Specifically, is a drawing of the product catalog concept. The elements of Figure 8 are the products 81 and can be defined at different levels of complexity. For

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example, a product may be a complex assembly product 83 that includes sub assembly products 84 and simply parts 82. The Figure is used to define the hierarchical structure of the product catalog concept and is not PRIOR ART. Figure 9, provides a view of the product catalog being mapped into a product model. That is, as a specific program designs a particular device, it accesses product parts from the product catalog to be used as the subassemblies in the desired device. The product catalog can be searched using a variety of criteria. In the example shown in Figure 9, the product catalog is related to the product part selected for the product model by the MTBF and its operating environment. This mapping of the catalog into an actual design is the fundamental point of the present invention. Therefore, this figure is not PRIOR ART. Finally, Figure 10 is an example of how the product information is presented relative to a specific project part versus the general product part information in the catalog in accordance with the invention. This information presentation is specific to the subject invention and not a generic representation of product catalogs. Therefore, this figure is not PRIOR ART and is relevant only to the subject invention.

In summary, *In re Nomiya*, 184 USPQ 607 (CCPA, 1975) requires the Examiner to consider everything the Applicant has said about the prior art to determine the scope of any admission. Since the Examiner has not asserted any admission and the Brief Description of the drawings and references to these Figures in the specification clearly identify them as being illustrative of the invention, this objection and requirement for labeling these Figures as PRIOR ART is without basis and in error.

The Examiner's observations concerning articles cited in the specification is noted. Applicant is endeavoring to obtain copies of the same and such copies will be furnished in a separate Information Disclosure Statement when available.

The Examiner's request that papers "similar" to papers cited by the Examiner has been duly noted. It is respectfully submitted, however, that the Examiner has not suggested materiality or even relevance of the cited papers to the present invention.

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The inventors have acknowledged a duty to disclose information material to the examination of this application and information possibly required under 37 C.F.R. 1.56 will be promptly submitted for the Examiner's consideration.

The acknowledgment of the claim for domestic priority under 35 U.S.C 119(e) is noted with appreciation. However, refusal of the priority claim based on the provisional application is incorrect and improper, particularly for the reasons stated by the Examiner.

In regard to the Examiner's assertion that there are different inventive entities of the provisional application and the present application, it is respectfully pointed out that the inventors listed for the provisional application (as shown on the Provisional Application Cover Sheet dated 9/21/1999) are the same inventors as for the subject invention as shown in the table below.

Provisional Application (60/155,010)	Subject Application (09/666,545)
Myers	Myers
Nguyen	Nguyen
Beckley	Beckley
Mroczek	Mroczek
Plunkett	Plunkett

In regard to the Examiner's observations concerning different authorship of the articles included in the provisional application, it is well-established (see, for example, M.P.E.P. §605.07 and 37 C.F.R. §1.45) that while the named inventors in a utility application must have made some contribution to the subject matter of at least one claim, named inventors in a provisional application must have made a contribution to the subject matter *disclosed* in the provisional application. Thus the

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inventors include the authors of *all* articles included in the provisional application and the articles are not separable from each other within the provisional application for purposes of determination of inventorship. Therefore, the subject invention is entitled to the benefit of the earlier filed provisional application of 9/21/1999, in regard to all common subject matter.

Substantively, the subject of the provisional application is the development of advanced CEE capabilities to exploit and leverage the expertise of members of an organization across multiple systems integrations activities. The provisional application expands this to include the use of a product Catalog Process as a capability within the Integrated Product Data Environment which is a major element of the collaborative engineering environment discussed in the first part of the provisional application. The subject invention of the present continuation-in-part application focuses on the product catalog process as defined in the referenced provisional application. Therefore, subject matter of the continuation-in-part application is the included in and common to the subject matter of the provisional application and the priority claim should be acknowledge in accordance with 35 U.S.C. 119 as to all common subject matter.

In this regard, it is also respectfully pointed out that the Examiner is incorrect in both asserting that a claim for priority can be denied on the basis of any deficiency in the provisional application to provide full support for the present claims or the practical effect of the claimed priority in regard to common subject matter. While Applicant does not admit that full support for the present claims is not present in the provisional application, there is no requirement for such support, particularly as an incident of the priority claim. Applicants are clearly entitled to the benefit of priority as to *subject matter which is common to both the present application and the provisional application* (as well as being entitled to benefit of priority of parent utility application 09/631,694 under 35 U.S.C. §120 as to common subject matter, which the Examiner has not questioned) and the practical effect of such priority is that the

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effective filing date of the present application *for any common subject matter* is the date of the provisional application (and/or the parent utility application) and thus the provisional application (and the parent utility application) cannot be applied against the present claims under 35 U.S.C. §102 or §103, as will be discussed below.

Conversely, there is no requirement that common subject matter be claimed; in which case, while priority and the issue of supporting disclosure are both moot, Applicants remain entitled to the claimed priority. Accordingly, it is respectfully submitted that the Examiner's denial of the claim for domestic priority is clearly in error and withdrawal of that denial is respectfully requested.

Claims 1 - 4, 8, 9, 11, 13, 14 and 15 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is traversed.

With respect to claim 1, the Examiner considers the term "default environment" to be indefinite. The claim has been amended to have the term "default environment" read "plurality of default values" in order to more accurately reflect the specification. The specification defines the term default values in several places to mean the master characteristics of the part regardless of how they are used. The relationship of master and project-specific characteristics or "values" is discussed in detail on page 37, lines 1 - 15 that clearly delineates when a value is consistent for a part at a master level, at a project-specific level or at a local level. On page 37, lines 16 - 30 use the term "default" to mean those characteristics that are independent of how the part is used at either the master level or project-specific level. Therefore, as the term "default value" is fully described in the specification, amendment to claim 1 to reflect the more precise "value" verses "environment" does not constitute new matter and should eliminate the indefinite rejection for this claim.

As for claim 2, the Examiner believes the term one or more other part objects is vague. Claim 2 has been amended to delete the word "other." The claim now reads, "...one or more part objects..." This should eliminate any confusion over the meaning of the phrase.

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With respect to claims 3 and 4, the Examiner believes the phrase, "abstract component types" is vague. This is incorrect. An *abstract component type* is defined in the specification as an intangible component (page 17, lines 24 - 27). That is, a component that is not a physical (e.g., hardware or software, etc.) element but something not physical or intangible such as a process definition, or a data set. As the term is defined in the specification, sufficient clarity is provided and the term is not, therefore, vague.

With respect to claim 8, The Examiner has argued that the term "peer information" is vague. The claim has been amended to delete the use of the word "peer."

With respect to claim 9 the Examiner has indicated that the term "hypothetical components" is vague. This is incorrect. The term hypothetical component is clearly defined in the specification as a part that is not yet commercially available but will be available in the future. As stated on page 33, lines 1 - 4,

"Using the "new part" interface, the "technologist" creates a projected system component, a "hypothetical part," including its name, an identifying number, availability date, and an associated description. The new part represents a component that is unavailable commercially but one that is projected to be commercially available in the future."

Therefore, the term is well defined in the specification and is therefore not vague.

As for claim 11, the claim has been amended to eliminate the use of "and/or" in favor of the less definite term "or."

As for claim 13, the Examiner incorrectly believes that the phrase, "associating the captured information" is vague and indefinite. The concept of capturing (obtaining) and associating (mapping) data is fully understood in the art and is discussed in several places in the specification. Most notable is on page 14, lines 4 - 10 which read,

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“The system requirements must be **captured** and documented. For the prototype the Rational Rose toolset, available from Rational Corporation, was used to **capture** and document the requirements using both the Unified Modeling Language (UML) and Object Constraint Language (OCL). These **captured** requirements were **mapped** into the PDM database schema and utilized to build the software product model framework and custom applications.”

Thus, the concept of obtaining data, documenting the data, and associating the data within the database is sufficiently clear as to allow someone skilled in the art to understand the intent and meaning of the claim.

With respect to claim 14 and 15, these claims have been amended to more clearly identify that the association step refers to associating the system components with the captured information.

The Examiner has interpreted the term “Enterprise” to mean company personnel. This interpretation is incorrect. Within the context of the subject invention, the term enterprise refers to the organization as a whole or as it may relate to a given project. Thus, the members of the enterprise comprise those members (e.g., software developers, systems engineers, program management, proposal teams, customers, etc.) shown on Figure 1 of the subject invention and may also include other member groups (e.g., sales, marketing corporate finance, piece part suppliers, etc.) across the scope of the business environment of the ‘enterprise’ not specifically named in the subject invention. This definition is well known in the industry and can be found easily by Internet search (www.dictionary.com) which reveals the term to mean “a business organization” as defined by The American Heritage Dictionary of the English Language, Fourth Edition, Houghton Mifflin Company, 2000. Additionally, a further search on the internet (www.searchwin2000.com) provides the following, “In the computer industry, an enterprise is an organization that uses computers. A word was needed that would encompass corporations, small businesses, non-profit

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institutions, government bodies, and possibly other kinds of organizations. The term enterprise seemed to do the job. In practice, the term is applied much more often to larger organizations than smaller ones."

The Examiner has also interpreted product catalog to be a database. This is correct.

Claims 1 - 20 have been rejected under 35 U.S.C. 102(a) as being anticipated over the provisional application by Myers et al. (Exploiting the Collaborative Engineering Environment as a Critical Resource Multiplier) which is the provisional application of which priority has been claimed and to which priority Applicants are clearly entitled, as discussed above. This rejection is respectfully traversed.

The Examiner has rejected the claimed invention and all of the 20 claims against an unavailable reference. That is, the provisional application, as discussed above provides benefit of priority to the subject claims having met the requirements of 35 U.S.C. 119(e). Specifically, the subject matter of the provisional application upon which the subject invention claims priority is the same inventive entity as that of the subject invention. Furthermore, all of the inventors of the provisional application are also inventors of the subject invention. Therefore, the reference cited by the Examiner is unavailable as an anticipatory reference. Furthermore, it is respectfully pointed out that rejection for anticipation is, logically, diametrically contradictory to the Examiner's assertion, in seeking to deny the claim for priority, of lack of support in the provisional application for the present claims. Accordingly, it is clear that this ground of rejection is in error and reconsideration and withdrawal of the same is respectfully requested.

Claims 1 - 20 have been rejected under 35 U.S.C. 102(f) as having been invented by a different entity. This rejection is similarly traversed.

As discussed previously, the subject invention was invented by Myers, Nguyen, Beckley, Mrocze, and Plunkett and all have made some contribution to the claimed subject matter. These inventors are also the same inventors of the provisional

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application as cited in the Provisional Application Cover Sheet. The Examiner is arguing that, since the provisional application contained two documents which had different authors that the inventors are not the same. The document providing a detailed description of the invention including the concept of use of a product catalog does not indicate authorship and therefore should be considered as containing contributions of all named inventors as noted above. The document which the Examiner notes to be authored by less than all the inventors is much less detailed and thus is not probative of the question of different inventorship. In other words, additional disclosure in one document is not inconsistent with contributions of additional inventors. In essence, the Examiner does not have the liberty to separate the provisional application into parts and even if the provisional application was separable, the parts do not provide evidence of any difference in inventorship. The provisional application stated who the inventors are and these same inventors have been identified as the inventors for the subject application. Therefore, this ground of rejection is utterly unsupported by any evidence of different inventorship. Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1 - 20 have been rejected for obviousness-type or non-statutory double patenting based on claims 1 - 21 of U. S. Patent Application 09/631,694. This ground of rejection is respectfully traversed, particularly since the Examiner has not made a *prima facie* demonstration of the propriety thereof but only a general reference to all claims of both applications and an erroneous assertion that the claimed object oriented database management system is the same as the generalized information management service of application 09/631,691. It is also respectfully submitted that such a rejection, if proper, should have been made as a provisional double patenting rejection since that application has not yet issued and, in fact, is pending before the present Examiner and reference to "the patent" are in error.

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As noted in the Cross-Reference to Related Applications on page 1 of the specification as originally filed, this application is a continuation-in-part of application 09/631,694. The present application incorporates application 09/631,694 by reference and thus discloses all subject matter of that application but additionally includes Figures 8 - 10 which illustrate the concept and particulars of including use of a product catalog or a product model in the CEE system. The claims of the present application are specific thereto as explicitly recited in lines 11 - 16 of claim 1 and lines 7 - 12 of claim 11 (as well as reciting an *object oriented* database and management system appropriate and corresponding thereto). These features are not claimed in the more general system of application 09/631,694. Therefore, the present claims are patentably distinct from the claimed subject matter of application 09/631,694 and the rejection for double patenting is clearly in error. Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1 - 10 have been rejected under 35 U.S.C. 102 (e) as being anticipated by Povilus (US 5,740,425). This rejection is traversed.

The Abstract presented by the Examiner of Povilus (US 5,740,425) describes an electronic database sorting capability. The Povilus catalog allows a user to access the catalog via the Internet, search for existing products using a set of characteristics and compile a group of products that meet the specified characteristics. This catalog can then be 'published' either electronically or in paper form. This is not the same as the subject invention.

The subject invention allows an organization (or enterprise) to access a product catalog as a database and using a set of search characteristics. Here the similarities between the reference and the subject invention end. The subject invention further enables a user to modify the characteristics that describe the product either by changing the existing characteristics or expanding the characteristics that describe the product. Moreover, the concept of a "product", as exploited by the present invention by handling the data in the overall CEE system a manner similar to

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that of a catalog, is broadened to include virtually all information related to a project or enterprise. Furthermore, this capability is available to all the departments within an organization. This can be implemented in several different scenarios. For example, an engineering in the quality assurance group determines that a particular product actually operates across a broader temperature range than is currently specified in the product catalog. The QA Engineer can change the specification of the part. Another example is the that a part maybe used by a project-specific group who modifies the part such that its capabilities have been expanded (e.g., the same physical and environmental capabilities are met using a lighter base material). This enhanced product can be offered back into the catalog as a variant of the existing product and is defined for a project-specific environment. Povilus (US 5,740,425) does not allow a user to modify and expand the characteristics of a product.

With respect to claim 1, the product catalog is web-centric (Internet accessible) and does use an object oriented DBMS. However this seems to be the only similarity. The Examiner references column 4, lines 48 - 52 as reading on the subject invention means for generating part references. It is assumed that the Examiner is referring to the SKUs of Povilus (US 5,740,425) to be the same as the part references. A SKU is a manufacturers part identifier that is created for each different part within a database. The part reference of the subject invention is a descriptive object as recited on page 29, lines 24 - 26 which states, "The "part reference" is an object that allows a project to specify additional constraints on the behavior of the part." Thus, the part reference of the subject invention is a descriptive set of constraints, not a fixed part number that is assigned by a manufacturer to help with the storage and retrieval of a set particular part. The Examiner also cites figures 7 - 9 to suggest that Povilus (US 5,740,425) is somehow modifying the product like the subject invention. However, Figures 7 - 9 or Povilus (US 5,740,425) are simply showing different query lists that can be used to search for a particular product. Finally, the Examiner has cited column 5, lines 66 - 67 through column 6, lines 1 - 36 to suggest that the access to the product

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catalog via tools is the same for Povilus (US 5,740,425) and the subject invention. This is not correct.

The concept presented by Povilus (US 5,740,425) would be like requesting all products from various manufacturers for mens clothing and creating a men's clothing special catalog. There is no attempt or reference for Povilus (US 5,740,425) that makes any revisions, modifications, or expansion of the features of the products themselves. Povilus (US 5,740,425) only allows multiple ways to search the database using various characteristics which the products already include. The subject invention is creating and modify the products themselves. These changes to the products can be initiated by various groups throughout the enterprise as discussed above. The capability to modify the product and its intrinsic (basic) characteristics is clearly defined in claim 1 which recites,

“...means for generating part references, where a part reference refers to a corresponding part object in the product catalog, and wherein the part reference has **characteristics customized for a project that override or extend the intrinsic characteristics of its corresponding part object...**”

The ability for member groups of the enterprise to access the product catalog to modify, retrieve and extend the product information is also clearly stated in claim 1 which recites,

“...means for **linking members of the enterprise with part objects** and customized part references via a collaborative engineering environment (CEE), the CEE having a framework for collaboration which **provides access control, security, search mechanisms, concurrency control, versioning, information structuring, information mapping and exchange**, wherein the information available to each member is information necessary for the member to complete role...”

Therefore, the subject invention is not the same as for Povilus (US 5,740,425)

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Claims 2, 3, 4 and 9 discuss the part objects of the subject invention. The Examiner is arguing that the part objects of the subject invention are essentially the same as the products discussed by Povilus (US 5,740,425). This is incorrect. As claim 2, 3, 4, and 9 depend from claim 1, the characteristics of part objects in the subject invention can be modified, expanded or even list projected or hypothetical components while Povilus (US 5,740,425) is only presenting the capability to obtain information on existing and static products using a database retrieval system.

Claims 5 and 8 relate to the use of a single point of information management access. This interface allows the product catalog to be searched by product characteristics. This interface of the subject invention also provided the capability to modify and expand the capabilities of the part objects by the various groups within the Enterprise. The Polivus described interface can not provide this capability nor the associated security and access control as specified in claim 1 upon which these claims depend.

Claims 6, 7, and 10 relate to the receipt of information from the enterprise community and the use of this information for entry into the product catalog. The data entered into the product catalog by Polivus is search criteria information and not project specific information that causes changes to the products themselves.

Accordingly, it is clearly seen that Povilus fails to anticipate the claimed invention at numerous points and fails to answer many salient recitations of the claims. Therefore it is clear that claims 1 - 10 are not and have not been *prima facie* demonstrated to be anticipated by Povilus. Therefore, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 11 - 20 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over Povilus (US 5,740,425) in view of Virgil (US 5,493, 679). This rejection is traversed.

As has been discussed for Povilus (US 5,740,425), Virgil (US 5,493, 679) is not modifying the products themselves within the product catalog. What Virgil (US

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5,493, 679) appears to be doing, is linking the product database with a logistics database such that the supporting instruments are listed when a part is referenced. That is, if a user searches the database using characteristics for a pump, the data returned to the user will include the drawings, tools and spare parts information associated with the particular pump. This is not the same capability as the subject invention which allows products to be modified, variations of products (e.g., project-specific, hypothetical versions, etc.) to be included in the product catalog. As Povilus does not allow modification of the product data nor does Virgil, there is no combination of the identified references either alone or together that would result in the subject application.

As for claims 13, 14, 15 and 19, the Examiner references column 3, lines 46 - 59 to suggest that Virgil is modifying the product characteristics in the database. This is not correct. Virgil is modifying the pointers that link the engineering drawings with the products in the database. There is no discussion in Virgil of modification of the features, functions, or performance of the products themselves. Therefore, there is no combination of the identified references either alone or together that would result in the subject application.

With respect to claims 16, 17 and 18, the Examiner has cited column 11, lines 16 - 33 of Virgil to suggest that the *ad-hoc* query capability is somehow the same as the updating (claim 16), new (claim 17) and modifying (claim 18) of parts objects features of the subject invention. Virgil is linking databases together so that when a database is interrogated for an existing and static product that a link to the logistic database also retrieves the relevant drawings and maintenance information. There are no changes to the products, there are no project-specific versions of the product and there are no projected or hypothetical products in the Virgil description. Therefore, there is no combination of the identified references either alone or together that would result in the subject application.

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Claim 20 relates to the retrieved parts information and the overriding of default characteristics. Using an electronic search of the Virgil Patent, it was found that no mention of default characteristics or an overriding capability is mentioned is made in Virgil. The references cited by the Examiner from Virgil (column 2, lines 57 - 59 and column 14, lines 23 - 30) relate to storing of engineering drawings in personal or unaccessible files. As these references have no relationship to the subject of claim 20, the rejection is inappropriate. Furthermore, the subject invention is specifically intended to allow access to the stored data by multiple users throughout the enterprise. Therefore, there is no combination of the identified references either alone or together that would result in the subject application.

Therefore, it is respectfully submitted that the combination of teachings of Povilus and Virgil fail to answer the recitations of the claims and the references, taken singly or in combination do not lead to an expectation of success in achieving the meritorious effects of the invention using the claimed elements or methodology or provide evidence of a level of ordinary skill in the art which would support a conclusion of obviousness in regard to the subject matter of any claim in the application. Therefore, reconsideration and withdrawal of this ground of rejection is respectfully requested.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1 - 20 be allowed, and that the application be passed to issue. Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: marshall@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

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If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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